

SLR:LDM:CSK
F. #2012R00978

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ SEP 28 2017 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

-X

UNITED STATES OF AMERICA

ORDER OF FORFEITURE

- against -

17 CR 507 (NG)

AMERISOURCEBERGEN
SPECIALTY GROUP, LLC,

Defendant.

-X

WHEREAS, on September 27, 2017, the defendant,

AMERISOURCEBERGEN SPECIALTY GROUP, LLC (the "defendant"), entered a plea of guilty to the offense charged in the sole count of the above-captioned Information, charging a violation of 21 U.S.C. §§ 331(a) and 333(a)(1); and

WHEREAS, pursuant to 21 U.S.C. § 334 and 28 U.S.C. § 2461(c), the defendant has consented to the entry of a forfeiture money judgment in the amount of fifty-two million dollars and zero cents (\$52,000,000.00) (the "Forfeiture Money Judgment"), as any article of food, drug, or cosmetic that is adulterated or misbranded when introduced into or while in interstate commerce, or while held for sale after shipment in interstate commerce, as a result of the defendant's violation of 21 U.S.C. §§ 331(a) and 333(a)(1), and/or as substitute assets, pursuant to 21 U.S.C. § 853(p).

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED, on consent, by and between the United States and the defendant as follows:

1. The defendant shall forfeit to the United States the full amount of the Forfeiture Money Judgment, pursuant to 21 U.S.C. § 334, 28 U.S.C. § 2461(c) and 21 U.S.C. § 853(p).

2. All payments made toward the Forfeiture Money Judgment shall be made payable to the "United States Marshals Service." Payment toward the Forfeiture Money Judgment shall be paid pursuant to a wire transfer of funds and must be wired to the United States Marshals Service for the Eastern District of New York, pursuant to the wire instructions provided by the United States. Contemporaneous written proof of the wire transfer of funds toward the Forfeiture Money Judgment must also be sent to the United States Attorney's Office for the Eastern District of New York. The Forfeiture Money Judgment shall be paid in full within ten (10) business days (not including any bank holidays) after the date the defendant is sentenced (the "Final Due Date").

3. Upon entry of this Order of Forfeiture ("Order"), the United States Attorney General or his designee is authorized to act in accordance with Fed. R. Crim. P. 32.2(b)(3) and (c). The United States alone shall hold clear title to the monies paid by the defendant to satisfy the Forfeiture Money Judgment following the Court's entry of the judgment of conviction.

4. The defendant shall not file or interpose any claim or assist others to file or interpose any claim to any property against which the government seeks to execute the Forfeiture Money Judgment in any administrative or judicial proceeding. The defendant shall fully assist the government in effectuating the payment of the Forfeiture Money Judgment. If the Forfeiture Money Judgment is not received as provided above, the

defendant shall forfeit any other of its property up to the value of the outstanding balance, pursuant to 21 U.S.C. § 853(p).

5. The defendant knowingly and voluntarily waives its right to any required notice concerning the forfeiture of the monies and/or properties forfeited hereunder, including notice set forth in an indictment or information. In addition, the defendant knowingly and voluntarily waives its right, if any, to a jury trial on the forfeiture of said monies and/or properties, and waives all constitutional, legal and equitable defenses to the forfeiture of said monies and/or properties, including, but not limited to, any defenses based on principles of double jeopardy, the Ex Post Facto clause of the Constitution, the statute of limitations, venue, or any defense under the Eighth Amendment, including a claim of excessive fines.

6. The entry and payment of the Forfeiture Money Judgment is not to be considered a payment of a fine, penalty, restitution loss amount or a payment of any income taxes that may be due.

7. Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B), this Order shall become final as to the defendant at the time of sentencing and shall be made part of the sentence and included in the judgment of conviction. This Order shall become the Final Order of Forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2). At that time, the monies and/or properties forfeited herein shall be forfeited to the United States for disposition in accordance with the law.

8. This Order shall be binding upon the defendant and the successors, administrators, heirs, assigns and transferees of the defendant, and shall survive the bankruptcy of any of them.

9. This Order shall be final and binding only upon the Court's "so ordering" of this Order.

10. The Court shall retain jurisdiction over this action to enforce compliance with the terms of this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

11. The Clerk of the Court is directed to send, by inter-office mail, four (4) certified copies of this executed Order of Forfeiture to FSA Supervisor Maritza Arroyo, United States Attorney's Office, Eastern District of New York, 271-A Cadman Plaza East, Brooklyn, New York 11201.

Dated: Brooklyn, New York

Sept. 27, 2017

SO ORDERED:

/s/ *Nina Gershon*
HONORABLE NINA GERSHON
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF NEW YORK